

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marianne Bruggemann
Serial No.: 10/547,066
Confirmation No.: 4387
Filed: May 22, 2006
For: GENETICALLY MODIFIED NON-HUMAN MAMMALS AND
CELLS
Examiner: Q. J. Li
Art Unit: 1633

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: September 23, 2008

Signature: /Sylvana Householder/

RESPONSE TO RESTRICTION AND SPECIES ELECTION REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed June 23, 2008, Applicant hereby elects Group I, claims 16, 18, 20, 22, 39 and 40, drawn to a genetically modified mammal lacking IgH constant region and containing one or more endogenous IgH V, D, J, segments, for continued examination. The elected invention includes claims 16, 18, 20, 22, 39 and 40, and linking claims 1-8, 11, 12, 14 and 15.

In response to the species election requirement, Applicant elects the following species.

For species a), a specific combination of IgH variable region, IgH D fragment and IgH J segment that are present in the genome of the mammal of cell: Applicant elects all endogenous IgH V region, J segment and D segment sequences present.

For species b), a specific transgene present in addition to the above features: Applicant submits that this species requirement is not applicable to the elected invention. However, for the sake of completeness of the response to this requirement, Applicant provisionally elects an exogenous IgG gene. If more specificity is required, which Applicant does not believe to be the case, then Applicant elects an exogenous IgG1 gene, preferably a human IgG1 gene.

For species c), a specific type of cell, e.g. ES cell or fibroblast cell: Applicant elects ES cells.

For species d), the type of mammal: Applicant elects rodent. The Examiner has not required an election of *species of animal*, merely *type of animal*. However, if more specificity is required, then Applicant elects mouse.

The elected species correspond to elected claims (including linking claims) 1-8, 11, 12, 14-16, 18, 20, 22, 39 and 40.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: September 23, 2008

Respectfully submitted,

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